

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DECLARING THE CONTINUED EXISTENCE OF A SHELTER CRISIS IN THE CITY OF SAN JOSE PURSUANT TO, AND IN ACCORDANCE WITH, THE PROVISIONS OF CALIFORNIA GOVERNMENT CODE SECTION 8698 ET SEQ. AND DESIGNATING FOUR CITY OWNED FACILITIES TO BE OCCUPIED AS OVERNIGHT WARMING FACILITIES BY HOMELESS INDIVIDUALS AND FAMILIES DURING THE CRISIS

WHEREAS, on December 8, 2015, the Council of the City of San José (“City”) declared a shelter crisis under California Government Code section 8698 *et seq.* and in the following two years, the City Council declared a continued shelter crisis; and

WHEREAS, in connection with these crises, the City designated specific City-owned facilities to be occupied during periods of inclement weather as overnight warming facilities by homeless individuals and families; and

WHEREAS, activation of the designated facilities as overnight warming centers has been triggered by a forecast 48-72 hours in advance by the National Weather Service of the following conditions: (a) an overnight low of 40 degrees or lower with a probability of rain less than 50%; (b) an overnight low of 45 degrees or lower with a probability of rain of 50% or greater; or (c) persistent rainfall forecasted for two or more days; and

WHEREAS, during the 2017-2018 cold weather season, there were a total of 10 activation periods of inclement weather occurred between December 2017 and March 2018 resulting in 36 nights of shelter, food and support for up to 120 persons per night; and

WHEREAS, on September 4, 2018, the City issued a Request for Proposals for a Crisis Response Program to operate an overnight warming center program and a motel voucher program that could serve unsheltered persons in San José during periods of inclement weather, and HomeFirst Services of Santa Clara County was selected to operate an overnight warming center program; and

WHEREAS, City staff evaluated the City-owned library and community center sites used in the 2017-2018 cold weather season for potential use in 2018-2019 and concluded that returning to both Alum Rock Library and Roosevelt Community Center were essential to the success of the program given the accessibility of those facilities, and also recommended using the Leininger Center, and Bascom Community Center based on their locations; and

WHEREAS, according to the 2017 San José Homeless Census and Survey, a total of 4,350 homeless people were counted in San José on the mornings of January 24 and 25, 2017; and

WHEREAS, approximately 3,231 persons, 74% of San José homeless population, were unsheltered; and

WHEREAS, homeless individuals and homeless advocates have testified that there are insufficient shelter beds to house all of the people living outside; and

WHEREAS, such individuals are at risk to injury and harm due to exposure to the weather and the result of having to live outside in inclement weather; and

WHEREAS, the proposed OWL's operate only during periods of inclement weather offering short-term emergency shelter overnight for a set period of time when temperatures or a combination of precipitation, wind and temperature become severe.

WHEREAS, people sleeping overnight in City parks, sidewalks, parking lots, and creeks impact neighborhoods and the environment; and

WHEREAS, pursuant to the provisions of California Government Code section 8698 *et seq.*, the City may declare a shelter crisis, which is deemed to constitute a local emergency; and

WHEREAS, pursuant to California Government Code section 8698.1(b), upon declaration of a shelter crisis, the provisions of state or local regulatory statutes, regulations, and ordinances prescribing standards of housing, health, or safety are deemed suspended and inapplicable to the extent that strict compliance with such regulations or ordinances would in any way prevent, hinder, or delay the mitigation effects of the shelter crisis; and

WHEREAS, strict compliance with otherwise applicable state or local statutes, regulations and ordinances would prevent, hinder or delay the mitigation of the effects of the shelter crisis; and

WHEREAS, given the lack of available shelter and housing to meet the needs of the existing homeless population, staff is recommending that the City Council reaffirm the existence of a shelter crisis to allow the identified City-owned facilities to be used for overnight warming centers; and

WHEREAS, the City now desires to declare the continued existence of a shelter crisis in the City of San José pursuant to and in accordance with the provisions of California Government Code section 8698 *et seq.* and designate the following four City owned facilities to be occupied as overnight warming facilities by homeless individuals and families during the crisis: Bascom Community Center, Leininger Community Center, Alum Rock Library and Roosevelt Community Center;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. Based upon the facts above and those included in the memorandum from the Director of Housing dated November 5, 2018 there is a continued existence of a situation in which a significant number of persons are without the ability to obtain shelter resulting in a threat to their health and safety.
2. A shelter crisis is hereby declared pursuant to and in accordance with the provisions of California Government Code section 8698(a)(1) allowing the following four City-owned facilities to be occupied as overnight warming facilities by homeless individuals and families during the crisis:
 - a. Bascom Community Center, 1000 S. Bascom Avenue, San José, CA 95128.
 - b. Leininger Community Center, 1300 Senter Road, San José, CA 95112.
 - c. Alum Rock Library, 3090 Alum Rock Avenue, San José, CA 95127.
 - d. Roosevelt Community Center, 901 E Santa Clara Street, San José, CA 95116.
3. It is determined that strict compliance with otherwise applicable state or local statutes, regulations and ordinances would prevent, hinder or delay the mitigation of the effects of the shelter crisis.
4. It is determined that the declaration of shelter crisis shall continue until terminated by the City Council and it shall be applicable to activities that include but are not limited to the establishment and continued operation of the warming shelter program.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

ADOPTED this _____ day of _____, 2018, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk